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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/714,667	11/18/2003	Dong Han Kim	7981.005.00-US	2293

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EXAMINER

JIANG, CHEN WEN

ART UNIT	PAPER NUMBER
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3744

DATE MAILED: 03/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/714,667	KIM ET AL.	
	Examiner	Art Unit	
	Chen-Wen Jiang	3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-16 is/are allowed.
- 6) ☒ Claim(s) 1-9, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 10-12 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The amendments and arguments presented by the applicant have been duly noted. However, an update search and further review of the prior art of record has prompted the presentation of new rejections presented below. In view of such, the previous rejections in the first office action have been withdrawn.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
 2. Ascertaining the differences between the prior art and the claims at issue.
 3. Resolving the level of ordinary skill in the pertinent art.
 4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
3. Claims 1,2,17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kim et al. (U.S. Patent Number 6,298,678).

Kim et al. disclose a window-type air conditioner. Referring to Fig.4, the air conditioner comprises a cabinet 21, base plate 24, guide 24a form on the lower side, guide rail 28a, indoor and outdoor parts separated by a partition, upper panel, front cover 22 and heat exchangers

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26a,26b. The cabinet 21 covers both sides and rear surface of the outdoor part. Upon a close review of applicant's specification, it appears that the claimed guide location does not have any criticality and/or lead to any new and unexpected results. Applicant does not specify the deficiencies of other guide location used in the prior art. Therefore, it would have been obvious to one of ordinary skill in the art to have selected the claimed guide location for the guiding since this particular guide provide no better or provided improved performance over that which is commonplace in the prior art.

4. Claims 1-5,7-9,17,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton et al. (U.S. Patent Number 5,461,880) in view of Kim et al. (U.S. Patent Number 6,298,678).

Bolton et al. disclose an air conditioner having an enclosure. Referring to Figs.4 and 5, the air conditioner comprises an indoor section 12, outdoor section 14, base pan/partition assembly 42,44, louvers (grill) 38 formed in a U shaped rear enclosure (cabinet) 40 and a detachable outdoor cover 36 with grill 34. Bolton et al. disclose the invention substantially as claimed. However, Bolton et al. do not disclose insertion guide. Kim et al. disclose guide 24a form on the lower side, guide rail 28a, in the same field of endeavor for the purpose of guide the insertion. Upon a close review of applicant's specification, it appears that the claimed guide location does not have any criticality and/or lead to any new and unexpected results. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Bolton et al. with insertion guide in view of Kim et al. so as to guide the insertion. In regard to claim 17, Kim et al. disclose front panel 22 covering the indoor part.

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5. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bolton et al./Kim et al. applied to the claim 1 above and further in view of Loveley et al. (U.S. Patent Number 2,717,508).

Bolton et al./Kim et al. disclose the invention substantially as claimed. However, Bolton et al./Kim et al. do not disclose grip handle. Loveley et al. discloses handle 66 in the same field of endeavor for the purpose of grip. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the apparatus of Bolton et al./Kim et al. with handles in view of Loveley et al. so as to grip the cabinet.

Allowable Subject Matter

6. Claims 13-16 are allowed.

7. Claims 10-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chen-Wen Jiang whose telephone number is (571) 272-4809.

The examiner can normally be reached on Monday-Thursday from 8:00 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl Tyler can be reached on (571) 272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chen-Wen Jiang
Primary Examiner

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke, positioned to the right of the name and title.